

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACKIE EDWARD JOHNSON,

Petitioner,

v.

S.A.T.F. WARDEN,

Respondent.

No. 2:25-cv-1747-SCR

ORDER AND

FINDINGS AND RECOMMENDATIONS

By an order filed June 27, 2025, petitioner was ordered to file an in forma pauperis affidavit or to pay the appropriate filing fee, within thirty days, or face dismissal of the pending habeas corpus application. The thirty day period has expired and petitioner has not filed an in forma pauperis affidavit or paid the \$5 filing fee for this action. Since petitioner has returned the consent form to the court as required, it appears that petitioner may not have the appropriate form in which to request to proceed in forma pauperis. Therefore, as part of this order, the Clerk of Court will be directed to send petitioner the in forma pauperis application used in this district. Petitioner may return the in forma pauperis application along with any objections that he may have to these Findings and Recommendations.

Accordingly, IT IS HEREBY ORDERED that:

1. A district judge be randomly assigned to this action.
2. The Clerk of Court is directed to send petitioner a copy of the in forma pauperis

1 application along with this order.

2 IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice for  
3 failure to return an IFP affidavit or pay the filing fee.<sup>1</sup>

4 These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty one days  
6 after being served with these findings and recommendations, petitioner may file written  
7 objections with the court. The document should be captioned “Objections to Magistrate Judge’s  
8 Findings and Recommendations.” Petitioner is advised that failure to file objections within the  
9 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
10 F.2d 1153 (9th Cir. 1991).

11 DATED: October 23, 2025

12  
13   
14 SEAN C. RIORDAN  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 <sup>1</sup> Even though it is recommended that this action be dismissed without prejudice, petitioner is  
28 warned that his ability to refile this § 2254 application within the one year statute of limitations  
may be jeopardized. See 28 U.S.C. § 2244(d).